IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3610 OF 2006

IN

FIRST APPEAL NO. 1195 OF 1998

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

K.J. Ahyankar i/by. Thakore Jariwala and Associates for the appellants.

V.E. Pereira for the respondents.

CORAM: S.B. DESHMUKH, J.

DATE : AUGUST 16, 2006.

P.C. :

1. Heard the learned counsel for the parties.

2. By this application, the applicant is seeking extension of time for disposal of R.A.D. Suit 2995 of 1990 uptill 31.3.2007.

3. I have perused the order passed by this court (Coram: D.G. Deshpande, J) in Review Petition (St) No. 11261 of 2005 in First Appeal No. 1195 of 1998 passed on December 16, 2005. By this order, this court, had directed the Small Causes Court to expedite the hearing and decide this suit, in any case, before 30.3.2006.

4. Learned counsel for the applicant has invited my attention to paragraph nos.1 to 8 seeking extension of time. The applicant has set up two grounds seeking extension of time. According to the applicant, applicant was operated upon for cataract in left eye on 18.8.2006. The appellant is advised to get operated for right eye also immediately. Learned counsel for the applicant submits, that such surgery is now slated on 24.8.2006.

He has referred to amendment of pleadings.

5. Learned counsel for respondent has filed reply affidavit of respondent no.1 Jaywant Chougule. According to the respondents, the petitioner is practising advocate. The respondent however fairly submitted that extension of time till October, 2006 will be just and proper.

6. Having heard the learned counsel for both the parties, in my view, extension of time, can be granted in favour of the applicant, uptill 31.12.2006.

7. In this view of the matter Civil Application is partly allowed. Extension of time for disposal of R.A.D.Suit No. 2995 of 1990 stands granted till 31.12.2006. Learned

counsel for the respondent points out that R.A.D. Suit No. 2995 of 1990 now is scheduled on 29.8.2006. Both the parties to appear before the Small Causes Court on 29.8.2006.

sd/-

(JUDGE)